

05-18-04

1642 \$
C

Express Mail Label No.: EV 392155018US
Date of Deposit: May 17, 2004

Attorney Docket No.: 21486-032 CIP



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Wands, et al.
SERIAL NUMBER : 09/859,604 EXAMINER : Karen A. Canella
FILING DATE : May 17, 2001 ART UNIT : 1642
FOR : Diagnosis and Treatment of Malignant Neoplasms

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

TRANSMITTAL LETTER

Transmitted herewith for filing in the present application are the following documents:

1. Supplemental Information Disclosure Statement (2 pages), in duplicate;
2. Modified Form 1449/PTO (1 page), in duplicate;
3. Copies of cited references: C55-56;
4. Check in the amount of \$180.00 (#18688); and
5. Return Postcard

If the enclosed papers are considered incomplete, the Mail Room and/or the Application Branch is respectfully requested to contact the undersigned at (617) 542-6000, Boston, Massachusetts.

The Commissioner is authorized to charge any additional fees that may be due, or to credit any overpayment, to the undersigned's account, Deposit Account No. 50-0311 Ref. No. 21486-032 CIP. A duplicate copy of this transmittal letter is enclosed herewith.

Respectfully submitted,

IA Beattie

Ingrid A. Beattie, Reg. No. 42,306
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

Dated: May 17, 2004



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICANTS : Wands, et al.
SERIAL NUMBER : 09/859,604 EXAMINER : Karen A. Canella
FILING DATE : May 17, 2001 ART UNIT : 1642
FOR : Diagnosis and Treatment of Malignant Neoplasms

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Pursuant to the duty of disclosure under 37 C.F.R. §§1.56, 1.97 and 1.98, Applicants hereby make of record the documents listed on the attached modified Form PTO-1449.

This Supplemental Information Disclosure Statement is being filed after the mailing date of a Notice of Allowance under 37 C.F.R. §1.311 in accordance with 37 C.F.R. §1.97(d). Under 37 C.F.R. §1.97(e)(1), Applicants state that each item of information contained in this Supplemental Information Disclosure Statement was first cited in an International Search Report for PCT/US02/15814 not more than three months prior to filing of this Supplemental Information Disclosure Statement. The fee of \$180.00 as set forth in 37 C.F.R. §1.17(p) is enclosed.

It is respectfully requested that the Examiner consider completely the cited information, along with any other information, in reaching a determination concerning the patentability of the present claims, and sign the enclosed form PTO-1449 to evidence that the cited information has been fully considered by the Patent and Trademark Office during the examination of this application.

By submitting this Supplemental Information Disclosure Statement, the Applicants make no representation that: (1) a search has been performed, of the extent of any search performed, or that more relevant information does not exist; (2) the information cited in the Statement is, or is considered to be, material to patentability as defined in 37 C.F.R. §1.56(b); and (3) the information cited in the Statement is, or is considered to be, in fact, prior art as defined by

APPLICANTS: Wands, et al.
U.S.S.N.: 09/859,604

35 U.S.C. §102.

Notwithstanding any statements by the Applicants, the Examiner is urged to form his/her own conclusion regarding the relevance of the cited information. An early and favorable action is hereby requested.

Please charge any fees that may be due, or credit any overpayment of same, to Deposit Account No. 50-0311, Reference No. 21486-032 CIP.

Respectfully submitted,



Ingrid A. Beattie, Reg. No. 42,306
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
One Financial Center
Boston, Massachusetts 02111
Tel: (617) 542-6000
Fax: (617) 542-2241

Dated: May 17, 2004

TRA 1919443v1

Express Mail Label: EV 392155018 US
Date of Deposit: May 17, 2004



Page 1 of 1
Attorney Docket No.: 21486-032 CIP

Modified Form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)	Application Number	09/859,604
	Filing Date	May 17, 2001
	First Named Inventor	Wands
	Group Art Unit	1642
	Examiner Name	Karen A. Canella
	Attorney Docket Number	21486-032CIP

U.S. PATENT DOCUMENTS							
Exam Initials	Cite No.	U.S. Patent Document No.	Issue Date	Name of Patentee(s) or Applicant(s)	Class	Sub Class	Filing Date If Appropriate

FOREIGN PATENT DOCUMENTS					
Exam Initials	Cite No.	Foreign Patent Document Office Number	Name of Patentee(s) or Applicant(s)	Date of Publication	Translation Yes No

OTHER NON PATENT LITERATURE DOCUMENTS		
Exam Initials	Cite No.	Name of Author, Title (when appropriate), Publication, Volume, Page(s), Date, Etc.
	C55	De la Monte, et al., "Aspartyl (Asparaginy) Beta Hydroxylase (AAH) Expression Marks Invasiveness of Primary Malignant CNS Neoplasms", Abstract only , <i>Laboratory Investigation</i> , 79(1):1000 (1999).
	C56	International Search Report for PCT/US02/15814, mailing date: February 17, 2004.

A copy of this reference is not provided as it was previously cited by or submitted to the office in a prior application, Serial No. _____, filed _____, and relied upon for an earlier filing date under 35 U.S.C. §120 (continuation, continuation-in-part, and divisional applications).

Examiner Signature		Date Considered	
-------------------------------	--	----------------------------	--

EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

TRA 1919430v1